IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA)			
	Plaintiff,) 8:06CR84)	
	vs.) DETENTION ORDER	
EN	RIQUE SERRANO GUZMAN,)	
	Defendant.	'	
A.	Order For Detention After waiving a detention hearing pursuant Act on March 31, 2006, the Court orde pursuant to 18 U.S.C. § 3142(e) and (i).	t to 18 U.S.C. § 3142(f) of the Bail Reform rs the above-named defendant detained	
B.	The Court orders the defendant's detention X By a preponderance of the evidous conditions will reasonably assure the X By clear and convincing evidence the	n because it finds: ence that no condition or combination of e appearance of the defendant as required. at no condition or combination of conditions	
C.	X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. Finding Of Fact The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: the possession with intent to distribute in excess of 5 kilograms of cocaine in violation of 21 U.S.C. § 841(a)(1) carries a minimum sentence of ten years imprisonment and a maximum of life imprisonment. (b) The offense is a crime of violence. X (c) The offense involves a narcotic drug. X (d) The offense involves a large amount of controlled substances, to wite 5 kilograms of cocaine. (2) The weight of the evidence against the defendant is high. X (3) The history and characteristics of the defendant including: (a) General Factors: The defendant appears to have a mental condition which may affect whether the defendant will appear. X The defendant has no steady employment. The defendant has no substantial financial resources. X The defendant has no substantial financial resources. X The defendant does not have any significant community ties. Past conduct of the defendant: X The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a history relating to alcohol abuse. The defendant has a prior record of failure to appear at court proceedings. (b) At the time of the current arrest, the defendant was on:		
	Probation Parole	tance, me defendant was on.	

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	Release pending trial, sentence, appeal or completion of sentence.
(c)	Other Factors:
(0)	The defendant is an illegal alien and is subject to deportation.
	The defendant is a legal alien and will be subject to
	deportation if convicted.
	The Bureau of Immigration and Custom Enforcement
	(BICE) has placed a detainer with the U.S. Marshal. Other:
	nature and seriousness of the danger posed by the defendant's se are as follows: The nature of the charges in the Indictment.
V (5) Pobu	ittable Procumptions
	<u>Ittable Presumptions</u> termining that the defendant should be detained, the Court also relied
	e following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
	the Court finds the defendant has not rebutted:
	That no condition or combination of conditions will reasonably
<u> </u>	assure the appearance of the defendant as required and the safety
	of any other person and the community because the Court finds that
	the crime involves:
	(1) A crime of violence; or
	X (2) An offense for which the maximum penalty is life
	imprisonment or death; or
	X (3) A controlled substance violation which has a maximum
	penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of two
	or more prior offenses described in (1) through (3)
	above, and the defendant has a prior conviction for one
	of the crimes mentioned in (1) through (3) above which
	is less than five years old and which was committed
	while the defendant was on pretrial release.
X (b) That no condition or combination of conditions will reasonal	
<u> </u>	assure the appearance of the defendant as required and the safety
	of the community because the Court finds that there is probable cause to believe:
	X (1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of
	10 years or more.
	(2) That the defendant has committed an offense under 18
	U.S.C. § 924(c) (uses or carries a firearm during and in
	relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous
	weapon or device).

D. Additional Directives

- Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
 - The defendant be afforded reasonable opportunity for private consultation with counsel; and

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3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 31, 2006. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge